

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TROY D. NEWTON,)
)
Plaintiff,)
)
vs.)
)
NATIONAL WARRANTY OF FLORIDA, INC.; LYNDON PROPERTY INSURANCE CO., INC.; CHRIS CHISM; CENTRO INSPECTION AGENCY; RONALD BECKER; et al.,) CIVIL ACTION NO. CV-_____
)
Defendants.)
)

AFFIDAVIT OF RONALD J. BECKER

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Ronald J. Becker, who is known to me, who, after being duly sworn, deposes and says as follows:

1. My name is Ronald J. Becker. I am over the age of nineteen (19) and reside in Gardendale, Alabama.
2. I am giving this affidavit in connection with the case of *Troy Newton v. National Warranty of Florida, Inc., et al.*, pending in the Circuit Court of Montgomery County, Alabama, CV-05-2604. I have personal knowledge of the facts and events testified to herein.

3. I am an independent inspector. In 2004, I was retained by Centro Inspection Agency to inspect Plaintiff's motor home, a 1996 Allegro, VIN 4UZR69R14T2307472, to determine the cause of engine failure of the motor home.

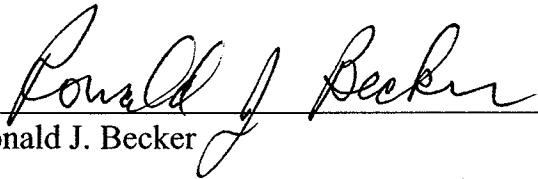
4. On August 9, 2004, I inspected Plaintiff's motor home. I could not determine the exact cause of failure. The engine needed to be disassembled to determine the exact cause of the knocking sound coming from the engine. I reported my findings to Centro Inspection Agency. A true and correct copy of my report is attached as Exhibit 1. On August 31, 2004, I inspected Plaintiff's 1996 Allegro motor home a second time. I reported my findings to Centro Inspection Agency. A true and correct copy of my report is attached as Exhibit 2.

5. I was not retained by Plaintiff nor requested by Plaintiff to inspect his motor home. I am not a party to any contract with Plaintiff. I have not entered into any contracts with Plaintiff individually or on behalf of another entity. To the best of my knowledge and memory, I have never spoken to the Plaintiff.

6. I made no decision as to any payment regarding Plaintiff's claim on the warranty in question. I do not process or adjudicate claims. I only inspect vehicles and report my findings.

7. I am not an employee of National Warranty of Florida, Lyndon Property Insurance Company, or Centro Inspection Agency. I am a self-employed, independent contractor.

Furthermore, Affiant saith not.


Ronald J. Becker

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Ronald J. Becker, who is known to me, who, after being duly sworn, deposes and says that he has read the above and foregoing Affidavit, and that said facts stated therein are true to the best of his knowledge and belief.

Sworn to and subscribed before me this 23rd day of November, 2005.



Kristine A. Oelschlager

Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARC
MY COMMISSION EXPIRES: Aug 20, 200
BONDED THRU NOTARY PUBLIC UNDERWRITER

Aug 20, 2006
KSO

(OFFICIAL NOTARY SEAL)

EXHIBIT 1



[Return to Report](#)

Order Information

Client WARRANTY SERVICES
Claim ID GSF64903
Order Date 8/6/2004 4:06:27 PM
Inspector Name RONALD BECKER
Contract Number PZH
Insured Party NEWTON
Vehicle Year 1996
Vehicle Make MOTOR HOME
Vehicle Model ALLEGRO
Vehicle VIN Number 4UZR69R14T2307472
Vehicle Mileage 29233

Facility Information

Facility Name CUMMINS OF ALABAMA
Facility Address 2200 PINSON HWY
Facility City BIRMINGHAM
Facility State AL
Facility Contact FRED
Adjuster JDK
Adjuster Extension 5852
Adjuster Email

Reason For Inspection

VERIFY ENGINE FAILURE, EXTENT OF DAMAGE,CYLINDER FAILURE

Report Information

Inspection Date 8/9/2004 12:15:00 PM
Vehicle Year 1996
Vehicle Make MOTOR HOME
Vehicle Model ALLEGRO
Current VIN Number 4UZR69R14T2307472
Current Mileage 29233
Vehicle Trim
Labor Rate / Type 95 PROVIDED VERBALLY
Engine Type 6B 5.9L TURBO
Transmission / Model AUTO
Wheel Drive Type REAR WHEEL DRIVE (RWD)

Engine Oil Level	Drained	Engine Oil Condition	Good
Coolant Level	Full	Coolant Condition	Good
Transmission Level	Full	Transmission Condition	Good
Power Steering Level	Full	Power Steering Condition	Good
Brake fluid Level	N/A	Brake Fluid Condition	N/A
Differential Fluid Level	N/A	Differential Fluid Condition	N/A
Transfer Case Level	N/A	Transfer Case Condition	N/A

Miscellaneous Comments

OIL FILTER ON VEHICLE IS FLEET GUARD. OIL FILTER WAS CHANGED ON 7/28/04.

Commercial Use ?	NO	Why
Modifications ?	NO	What
Collision ?	NO	Describe
Tow Hitch ?	YES	Type
Towed or Driven in	DRIVEN	TOW BAR FOR CAR
Belts	GOOD	
Hoses	GOOD	
Overall Condition	GOOD	

Customer Complaint, Repair Order Number, Date Opened, Shop Name on Repair Order
CHECK FOR KNOCKING.

State of Assembly (be specific)

THE ENGINE OIL PAN HAS BEEN REMOVED.

Any recalls TSB's, Oasis/Function 70, Parts Warranty?

NONE

Failed Components and Extent of Damage

THE OIL PAN DOES HAVE METAL SHAVINGS IN IT. THE #6 CYLINDER WALL IS SCORED ND THE INSIDE OF THE PISTON IS DARK BROWN FROM OVERHEATING. NONE IF THE OTHER 5 PISTONS HAVE TURNED BROWN FROM OVERHEATING NOR ARE ANY SCORED. I OCULDSEE THE SCORING IN THE #6 CYLINDER BUT I COULDNT GET A GOOD PICTURE OF IT. ALL RODS APPEARED TO BE TIGHT.

Measurements of Components

NONE

Cause of failure

EXACT CAUSE OF FAILURE IS UNKNOWN. POSSIBLE BROKEN PISTON COOLING NOZZLE OR BROKEN PISTON RING.

Recommendations for Repair

NEED TO DISASSEMBLE ENGINE TO FIND EXACT CAUSE OF KNOCKING.

Inspector Signoff

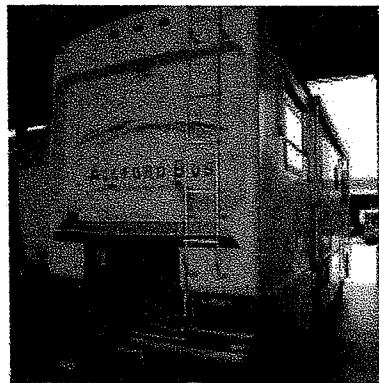
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Notes: MOTORHOME

Notes: VIN 4UZR69R14T2307472



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Notes: ODOMETER 29233



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Notes: OIL PAN WITH FINE METAL IN IT



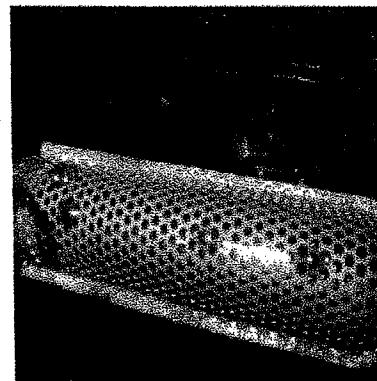
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Notes: OIL FILTER



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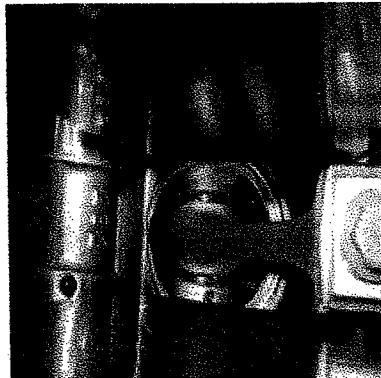
Notes: PICK UP SCREEN WITH NO SLUDGE



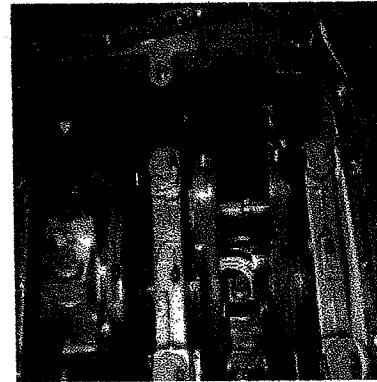
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Notes: #6 PISTON THAT WAS DISCOLORED FROM OVERHEATING. CAN'T SEE SCORING IN CYLINDER WALL FROM THIS ANGLE

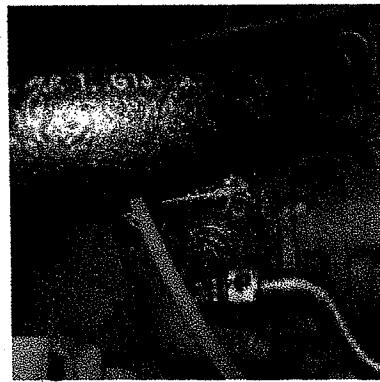


Notes: ADDITIONAL PICTURE OF CRANKSHAFT AND PISTONS



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Notes: LEAKING AIR COMPRESSOR



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Notes: DATE OF LST OIL FILTER CHANGE

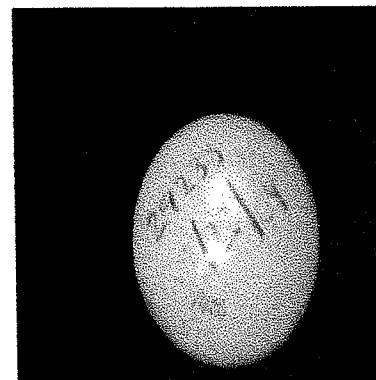


EXHIBIT 2



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Order Information

Client WARRANTY SERVICES
Claim ID GSF64903-R
Order Date 8/30/2004 12:35:59 PM
Inspector Name RONALD BECKER
Contract Number PZH4599567
Insured Party NEWTON
Vehicle Year 1996
Vehicle Make MOTOR HOME
Vehicle Model ALLEGRO
Vehicle VIN Number 4UZR69R14T2307472
Vehicle Mileage 29233

Facility Information

Facility Name CUMMINS OF ALABAMA
Facility Address 2200 PINSON HWY
Facility City BIRMINGHAM
Facility State AL
Facility Contact DAVID
Adjuster JDK
Adjuster Extension 5852
Adjuster Email

Reason For Inspection

VERIFY CYLINDERS FAILURE VERIFY WATER PIPE FAILURE-IS THIS CAUSE OF FAILURE OR RESULT OF FAILURE/OVERHEAT? VERIFY EXTENT OF ENGINE DAMAGE DAMAGE CAUSED BY OVERHEAT?

Report Information

Inspection Date 8/31/2004 3:30:00 PM
Vehicle Year 1996
Vehicle Make MOTOR HOME
Vehicle Model ALLEGRO
Current VIN Number 4UZR69R14T2307472
Current Mileage 29233
Vehicle Trim
Labor Rate / Type 95 PROVIDED VERBALLY
Engine Type 6B 5.9L INLINE 6 TURBO CHARGED
Transmission / Model AUTO
Wheel Drive Type REAR WHEEL DRIVE (RWD)

Engine Oil Level	Drained	Engine Oil Condition	Good
Coolant Level	Drained	Coolant Condition	Good
Transmission Level	Full	Transmission Condition	Good
Power Steering Level	Full	Power Steering Condition	Good
Brake fluid Level	N/A	Brake Fluid Condition	N/A
Differential Fluid Level	N/A	Differential Fluid Condition	N/A
Transfer Case Level	N/A	Transfer Case Condition	N/A

Miscellaneous Comments

OIL FILTER ON VEHICLE IS FLEET GUARD.

Commercial Use ?	NO	Why
Modifications ?	NO	What
Collision ?	NO	Describe
Tow Hitch ?	YES	Type
		TOW BAR FOR CAR
Towed or Driven In	DRIVEN	
Belts	GOOD	
Hoses	GOOD	
Overall Condition	GOOD	

Customer Complaint, Repair Order Number, Date Opened, Shop Name on Repair Order
CHECK FOR KNOCKING.

State of Assembly (be specific)

THE ENGINE HAS BEEN REMOVED AND THE HEAD, PAN, AND THE #6 ROD AND PISTON HAVE BEEN REMOVED.

Any recalls TSB's, Oasis/Function 70, Parts Warranty?

NONE

Failed Components and Extent of Damage

THE #6 PISTON AND CYLINDER WALL ARE SCORED. NO DAMAGE TO ROD OR MAIN BEARINGS AND NO DAMAGE TO THE OTHER FIVE PISTONS OR CYLINDERS. THERE IS A HAIR LINE CRACK ON THE BOTTOM THREAD OF A 5/8" WATER PIPE SCREWED INTO THE THERMOSTAT HOUSING ON THE HEAD. NO SIGN OF EXTERNAL ENGINE OVERHEATING.

Measurements of Components

NONE

Cause of failure

EXACT CAUSE OF FAILURE IS UNKNOWN. BECAUSE OF THE HAIRLINE CRACK IN THE 5/8" WATER PIPE, ITS POSSIBLE THAT AN AIR LOCK FORMED AROUND THE #6 CYLINDER WATER JACKET. THE AIR LOCK MIGHT THEN HAVE CAUSED THE #6 CYLINDER TO OVERHEAT.

Recommendations for Repair

REPLACE THE ENGINE WITH A REMAN. NOTE THIS BLOCK CAN'T BE BORED AND IT CAN'T BE SLEEVED.

Inspector Signoff

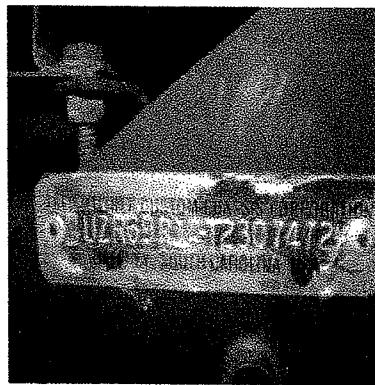
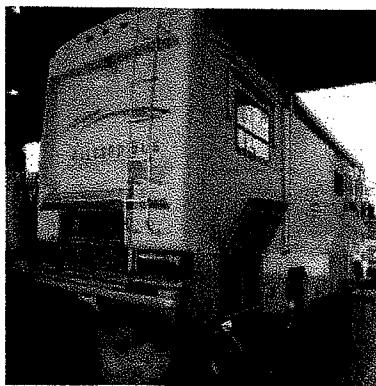
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Notes: VEHICLE

Notes: VIN 4UZR69R14T2307472



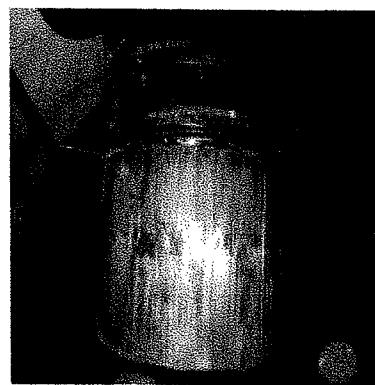
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Notes: ODOMETER 29233



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Notes: SCORED #6 PISTON



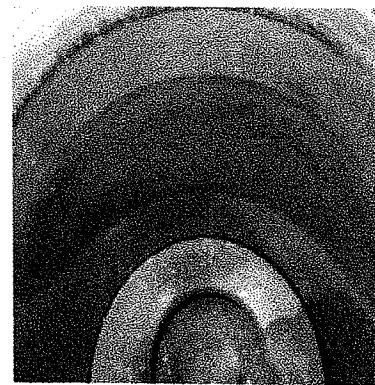
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Notes: SCORED #6 CYLINDER WALL



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Notes: #5 CYLINDER AND PISTON

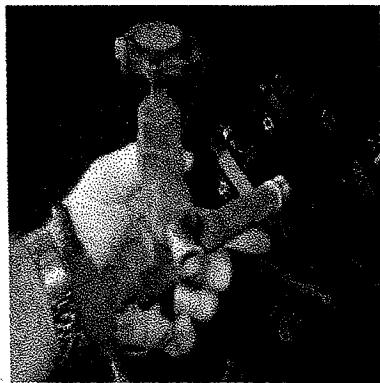


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Notes: PIPE ASSEMBLY

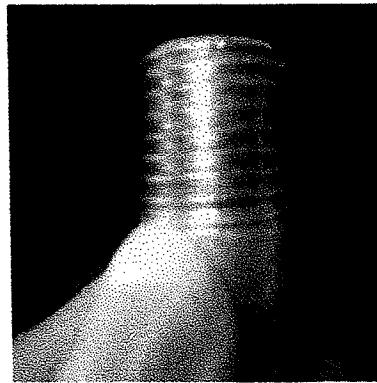
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Notes: HAIRLINE CRACK IS ON THE SECOND THREAD FROM MY THUMB



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Notes: RUSTY AREA INSIDE PIPE WHERE THE CRACK IS LOCATED



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Notes: BROWN AREA IS WHERE PIPE SCREWED INTO THE HEAD; BROWN IS CORROSION FROM LEAKAGE

